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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/531,283 | 03/20/2000 | Masahiko Morita | B208-1086 | 5644 |

26272 7590 03/24/2005

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EXAMINER

HERNANDEZ, NELSON D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2612

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/531,283

Applicant(s)

MORITA, MASAHIKO

Examiner

Nelson D. Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Please note that the examiner of record has changed. All future correspondence should be directed to Nelson D. Hernandez whose information is provided at the end of this office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 18, 2004 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1-6, 9-14 and 17-22** rejected under 35 U.S.C. 102(e) as being anticipated by Fellegara, US Patent 6,441,854 B2.

Regarding **claims 1, 9 and 17**, Fellegara discloses an image pickup apparatus (Figs. 1 to 6) comprising:

image pickup means (Fig. 6: 94) for picking up image data of an object;

a volatile recording medium (working memory in fig. 6: 124) for temporarily recording therein the image data picked up by the image pickup means (Fellegara teaches the working memory is used during image data collection and processing; see col. 8, lines 35-65);

a nonvolatile recording medium (Fig. 6: 126 and 130) for recording therein the image data recorded in the volatile recording medium (see col. 8, lines 35-65);

change-over means (See fig. 3: 23) for changing over an operation mode (digital capture, film capture and hybrid mode) of the image pickup apparatus (Fellegara also teaches a quick review switch and a power down mode; see col. 10, lines 19-36 col. 13, lines 18-45 and col. 10, lines 37-58, respectively); and

control means for, if the operation mode has been changed over by the change-over means before finishing writing-in of image data recorded in the volatile recording medium into the nonvolatile recording medium, executing a process according to the operation mode changed over by the change-over means, after finishing writing-in of the image data recorded in the volatile recording medium into the nonvolatile recording medium (the examiner notes that Fellegara has different means for storage in each image capture mode; digital capture mode stores image data on a memory card (fig. 6: 130); film capture mode stores image data on film or nonvolatile memory (Fig. 6: 126), and hybrid capture mode stores image data on memory card and film- and processing of a working image varies based on the type of image capture mode selected thus, changing from one capture mode to the next would require the image data stored in the

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temporary storage medium to be recorded in its respective storage means before the mode has been changed over (For example, if a first captured image in the digital image capturing mode is stored in the working memory and the mode is changed to a different mode (i.e. film mode), the camera would store the first image data from the working memory into the storage prior to execute the second different mode since the working memory only stores the last capture image and said working memory is needed for the second mode) see col. 11, line 61 to col. 13, line 45).

Regarding **claims 2, 10 and 18**, Fellegara discloses the operation processing mode of the image pickup apparatus includes a power-off mode for turning off a power supply of the image pickup apparatus (Fellegara teaches a power down mode for putting the camera in a "sleep state" for conserving power; see col. 10, lines 37-58).

Regarding **claims 3, 11 and 19**, Fellegara discloses if the processing operation mode has been changed over by the change-over means to the power-off mode, the control means records in the nonvolatile recording medium the image data recorded in the volatile recording medium; after making a check of at least one of detection of a voltage of the power supply, attachment or detachment of the power supply and attachment or detachment of the nonvolatile recording medium (Fellegara is capable of indicating the presence of a memory card and the number of images that can be stored on the memory card; see col. 9, lines 51-60., Fellegara teaches, in a power down mode, storing a last captured image working image in volatile memory (Fig. 6: 124). The examiner notes that since Fellegara stores only the last captured image- a single frame-

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in the temporary memory, the images preceding that last captured image are inherently sent to the nonvolatile memory).

Regarding **claims 4, 12 and 20**, Fellegara is capable of indicating the presence of a memory card and the number of images that can be stored on the memory card; thus Fellegara gives a "warning" to the user by displaying that the card is not attached.

Regarding **claims 5, 13 and 21**, Fellegara discloses the operation processing mode of the image pickup apparatus includes an image reproducing mode for reproducing an image represented by the image data picked up by the image pickup means (Fellegara teaches a review mode where the last captured image can be displayed; see col. 10, lines 18-45), Fellegara also teaches a review mode where all captured images can be displayed. Sequentially; see col. 13, line 61 – col. 14, line 19).

Regarding **claims 6, 14 and 22**, Fellegara discloses the operation-processing mode of the image pickup apparatus includes an image pickup mode for causing the image pickup means to pick up image data of an object (Fellegara teaches three image capture modes- digital, film and hybrid capture modes). See **claims 6, 14 and 22**.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims **7, 15** and **23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellegara, US Patent 6,441,854 B2.

Regarding **claims 7, 15** and **23**, Fellegara is capable of indicating the presence of a memory card and the number of images that can be stored on the memory card (Col. 9, lines 43-60).

Fellegara does not explicitly disclose giving a predetermined warning to a user if there is no unused capacity in the volatile recording medium. However, since Fellegara reveals that it is well known to indicate the number of images that can be stored in a nonvolatile memory, Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the same option available for the volatile memory. One would have been motivated to do so in an effort to increase ease of operability.

7. Claims **8, 16** and **24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellegara in view of Uehara (US5481303).

Regarding **claims 8, 16** and **24**, Fellegara is capable of indicating the presence of a memory card and the number of images that can be stored on the memory card (Col. 9, lines 43-60).

Fellegara does not expressly disclose giving a warning to a user different from the predetermined warning if there is no unused capacity in the nonvolatile recording medium.

However, Uehara teaches a camera capable of indicating the available capacity of a recording medium and giving a warning in different forms- variable flash speeds-

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based on the available capacity of the recording medium (see col. 6, line 32 to col. 7, line 44).

Even though Uehara's device is directed toward a single memory, it would have been obvious to one of ordinary skill in the art at the time the invention was made modify Fellegara with Uehara's teachings. It would have been highly desirable, since Fellegara has different storage mediums for different image capture modes, for Fellegara to distinguish the different storage means by varying flash speeds indicating available capacity as taught by Uehara. One would have been motivated to do so in an effort to increase ease of operability.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

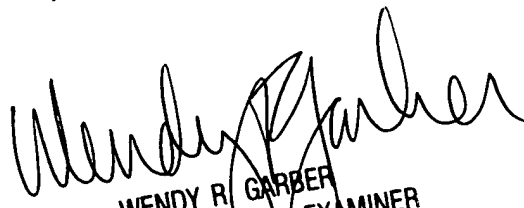
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez
Examiner
Art Unit 2612

NDHH
March 16, 2005


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600